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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

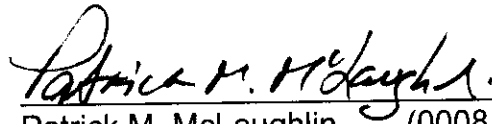
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Laredo National Bancshares Inc., et al.,)	Civil Action No. 1:00 CV 2081
)	
Plaintiffs,)	Judge Leslie Brooks Wells
)	Magistrate Judge Nancy Vecchiarelli
vs.)	
)	Motion to Strike the Affidavit
Donald E. Schulz, et al.,)	of Proposed Intervener Walker F.
)	Todd in Support of His Motion for
Defendants.)	Leave to Intervene for Limited
)	Purpose of Striking Defamatory
)	<u>References in Pleadings</u>

Now come plaintiffs, Laredo National Bancshares, Inc., The Laredo National Bank, and Gary G. Jacobs, by and through the undersigned counsel, and hereby move this Honorable Court, pursuant to Fed. R. Civ. P. 7(b)(1) and LR 7.1, for an order striking the affidavit of proposed intervener Walker F. Todd which was filed with this Court on or about October 16, 2000 and attached to the motion for leave to intervene for limited purpose of

striking defamatory reference in pleadings. A brief in support of this motion is attached.

Respectfully submitted,



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Counsel for plaintiffs

B R I E F

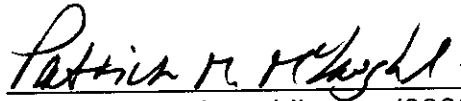
On October 16, 2000, Walker F. Todd, a Cleveland State University Law School professor, filed a motion for leave to intervene for limited purpose of striking defamatory reference in pleadings. Todd seeks leave to intervene in this action, as a non-party, for the purpose of filing a motion to strike, or otherwise amend, certain portions of the complaint which refer to him. In connection with the filing of this motion for leave to intervene, Mr. Todd submits a 12-page affidavit. Plaintiffs respectfully request this Court to strike the affidavit, removing it from the record in this case.

The affidavit submitted by Mr. Todd presents this Court with gratuitous and prejudicial allegations respecting plaintiffs and their counsel. This affidavit makes allegations and assertions far beyond that which is required to support his most unusual motion to intervene. Indeed, the affidavit itself is premature in that this Court has not granted him leave to intervene to file a motion to strike, or otherwise amend, paragraphs 51 and 52 of the complaint. Therefore, plaintiffs respectfully request this Court to strike Todd's broad-sweeping affidavit, and remove it from the record in this case. Additional grounds in support of the striking of this affidavit are set forth in Plaintiff's Opposition to Motion for Leave to Intervene for Limited Purpose of Striking Defamatory Reference in Pleadings, to which the Court is respectfully referred.

Conclusion

Based upon the foregoing, defendants respectfully request this Court to strike the affidavit filed by Walker F. Todd in support of his motion for leave to intervene.

Respectfully submitted,



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Certificate of Service

A copy of the foregoing Motion to Strike the Affidavit of Proposed Intervener Walker F. Todd in Support of His Motion for Leave to Intervene for Limited Purpose of Striking Defamatory References in Pleadings has been served by Ordinary U.S. Mail upon Philip J. Weaver, Jr., Smith, Marshall, Weaver & Vergon, counsel for defendant, 500 National City - East Sixth Building, 1965 East Sixth Street, Cleveland, Ohio 44114-2298 and Walker F. Todd, 1164 Sheerbrook Drive, Chagrin Falls, Ohio 44022, on this the 27th day of October, 2000.


Patrick M. McLaughlin